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IN THE UNITED STATES DISTRICT COURT
 FOR THE
 NORTHERN MARIANA ISLANDS

LI YING HUA, LI ZHENG ZHE and XU JING JI,) CASE NO. CV 05-0019

Plaintiffs,)

vs.)

PARTIAL OPPOSITION TO MOTION
 TO CONTINUE HEARING

JUNG JIN CORPORATION, a CNMI corporation,)
 ASIA ENTERPRISES, INC., a CNMI corporation,)
 PARK HWA SUN and KIM HANG KWON,)

Defendants.)

Date: December 27, 2006

Time: 9:00 a.m.

Judge: Hon. Alex R. Munson, Chief Judge

For the reasons set forth herein, Plaintiffs, by and through their undersigned counsel, hereby oppose, in part, non-party Pil Sun Kim Kitami's Motion for Continuance. Plaintiffs offer an alternative that they believe will mitigate the relative prejudice to Plaintiffs and to Ms. Kitami.

The Court has set a hearing on December 27, 2006 on a general order to known and unknown third parties to show cause why the Court should not allow the sale of some or all of the property seized by the United States Marshal pursuant to an Amended Order in Aid of Judgment issued by the Court on December 7, 2006. Counsel for Ms. Kitami, an affected non-party, is presently off-island and is not scheduled to return until January 3, 2007. Accordingly (and because the attorneys for the parties were not able to agree on a hearing date in their one and only phone conference), Ms. Kitami has moved to continue the hearing scheduled for December 27, 2006 to January 17, 2007.

1 However, as detailed in the Declaration submitted in support hereof, further delays in the
2 proper disposition of the seized assets work a substantial hardship and injustice to Plaintiffs who's
3 counsel remains responsible for all seized property until further order of the Court. Notwithstanding
4 the delay caused by Ms. Kitami's counsels absence for the holidays, Plaintiffs believe that a
5 reasonable resolution exists that should mitigate all parties' present scheduling concerns.

6 First, it is not necessary to continue *all matters* to be considered at the December 27, 2006
7 hearing. Ms. Kitami's claimed liens *only* affect the two vehicles seized by the U.S. Marshal and the
8 improved real property located in Susupe, Saipan. Ms. Kitami has never claimed (and does not in
9 her moving papers) an interest or lien in or on anything other than those three items of Defendants'
10 property.

11 The December 27, 2006 hearing has already been advertised in the Marianas Variety at a cost
12 of \$60.00 to Plaintiffs. A new notice would be necessary were the Court to reschedule the entire
13 hearing. In any case, there is no reason to rescheduled the entire hearing when only Ms. Kitami is
14 requesting a continuance and only a portion of the hearing involves issues relative to Ms. Kitami's
15 interests in the matter. At the December 27, 2006, the Court can still consider (1) the claims, if any,
16 filed by third parties, (2) claims or defenses, if any, filed by the Defendants, and (3) the timing and
17 procedure for the orderly disposition (public auction) of personal property seized by the U.S. Marshal
18 and *not* the subject of any lien claimed by Ms. Kitami.

19 Further, it seems apparent that some amount of briefing will be involved by both parties to
20 provide the Court with citation to authority and to facts justifying its setting aside the bogus liens
21 of Ms. Kitami, and to allow Ms. Kitami a full and fair opportunity to be heard on the issue. The
22 Court has indicated that hearings cannot be held after January 19, 2007, only two days after Ms.
23 Kitami's proposed hearing date. Plaintiffs do not believe, however, that Ms. Kitami's counsel needs
24 two weeks from the date of his return which is a little less than four weeks from today's date, to
25 prepare a brief on the limited issue of the ability of a court to set aside bogus liens and fraudulent
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1 conveyances under Rule 69 and its inherent power to enforce its judgments.

2 Plaintiffs suggest and hereby respectfully request that the Court (1) proceed with the
3 December 27, 2006 as to all matters other than those involving Kim Pil Sun Kitami, and (2) issue a
4 briefing schedule now having the Plaintiffs and Ms. Kitami submit their briefs to the Court on
5 January 10, 2007 and hold a hearing on January 11 or January 12, 2007 at which time positions in
6 response can be provided to the Court by oral argument or, alternatively, set a status conference for
7 Plaintiffs and Ms. Kitami on January 4, 2007 at which time an expedited briefing schedule can be
8 ordered and a hearing or hearings can be set that will provide the parties with an opportunity to be
9 heard.

10 Given that the Court will be unavailable after January 19, 2007, if any issues were to arise or
11 remain unanswered after a January 17, 2007 hearing as proposed by Ms. Kitami, there would be little
12 if any time to resolve any of those issues before the Court's unavailability. In the meantime, Ms.
13 Kitami's counsel can begin looking into the matter, including looking at decisions regarding the
14 authority of the Court in Rule 69 proceedings, and the facts of the case as contained, for the most
15 part, in his client's deposition transcript of which he already has a copy.

16 To be sure, any "emergency" here is not of Plaintiffs' design as wrongly suggested by Ms.
17 Kitami's counsel in his declaration (at ¶ 6). Actions were taken as they were to protect apparently
18 abandoned assets for the ultimate satisfaction, at least in part, of Plaintiffs' substantial judgment
19 against Defendants, and to prevent further fraud on the part of Defendants and their consorts. It
20 was only on November 22, 2006, when Kim Hang Kwon failed to appear at his noticed deposition
21 that Plaintiffs became aware that Mr. Kim had apparently fled the jurisdiction. *See* Application for
22 Order in Aid of Judgment and supporting documents filed November 28, 2006.

23 In conclusion, as Plaintiffs' counsel remains responsible for the real and personal property of
24 the Defendants seized by the United States Marshal in order to preserve the assets for further
25 disposition, and because Plaintiffs have to date, failed to obtain any payment of money in satisfaction
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1 of their substantial money judgment against the Defendants, Plaintiffs respectfully request that the
2 court *not* continue the December 27, 2006 hearing, but that the Court allow Ms. Kitami and her
3 attorney additional time to prepare and hold an additional hearing on January 11 or January 12, 2007
4 to consider the issues with regard to Ms. Kitami's claimed liens.

5 Plaintiffs agree that this matter is deserving of shortened time and the undersigned will be
6 available for a hearing or a conference at any time if the Court determines such proceedings necessary
7 or useful to a decision on the present Motion to Continue.

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9 Respectfully submitted this 22nd day of December, 2006.

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12 /s/ Mark B. Hanson

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